

Remarks

Claims 1-9 were previously pending in the subject application. By this Amendment, claim 1 has been amended and new claims 10 and 11 have been added. Support for these amendments and new claims can be found throughout the specification and the claims as originally filed. Accordingly, claims 1-11 are now before the Examiner for consideration.

The amendments to the claims have been made in an effort to lend greater clarity to the claimed subject matter and to expedite prosecution. The amendments should not be taken to indicate the applicants' agreement with, or acquiescence to, the rejections of record. Favorable consideration of the claims now presented, in view of the remarks and amendments set forth herein, is earnestly solicited.

Initially, the Office Action indicates that the Figures have been objected to. Please note that corrected formal figures were submitted to the Patent Office on April 24, 2007 in a Supplemental Amendment.

Claims 1-8 have been rejected under 35 U.S.C. §102(b) as being anticipated by Kojima *et al.* (U.S. Patent No. 4,842,968). The applicants respectfully traverse this ground of rejection because the cited reference does not teach each and every element of the claimed sensor.

It is a basic premise of patent law that, in order to anticipate, a single prior art reference must disclose within its four corners, each and every element of the claimed invention. In *Lindemann v. American Hoist and Derrick Co.*, 221 USPQ 481 (Fed. Cir. 1984), the court stated:

Anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim.

*Connell v. Sears Roebuck and Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983); *SSIH Equip. S.A. v. USITC*, 718 F.2d 365, 216 USPQ 678 (Fed. Cir. 1983). In deciding the issue of anticipation, the [examiner] must identify the elements of the claims, determine their meaning in light of the specification and prosecution history, and identify corresponding elements disclosed in the allegedly anticipating reference. *SSIH, supra; Kalman [v. Kimberly-Clarke*, 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983)] (emphasis added). 221 USPQ at 485.

The Kojima *et al.* reference does not disclose a sensor having a medium that has groups that interact with an analyte. Nor would there have been any reason to modify the Kojima *et al.* device to arrive at the sensor of the subject invention. Accordingly, the applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §102(b) based on Kojima *et al.*

Claims 1-9 have been rejected under 35 U.S.C. §102(e) as being anticipated by Blyth *et al.* (U.S. Pat. No. 6,689,316). The applicants respectfully traverse this ground of rejection because the cited reference do not teach or suggest the claimed invention.

The Blyth *et al.* reference does not disclose a sensor having a medium that has groups that interact with an analyte. Nor would there have been any reason to modify the Blyth *et al.* device to arrive at the sensor of the subject invention. Accordingly, the applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §102(b) based on Blyth *et al.*

In view of the foregoing remarks, the applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

The applicants also invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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Attachments: Request for Continued Examination  
Information Disclosure Statement  
Form PTO/SB/08  
Copy of cited reference